

135181

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

State Farm Fire & Casualty Company
P.O. Box 106173
Atlanta, GA 30348

Plaintiff,

CASE NO.: 2:23-cv-935

vs.

United States of America
c/o Attorney General of the USA
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

COMPLAINT

and

Abigail Shupe
371 Heatherbridge Lane, Apt. 10
Blacklick, Ohio 43004

Defendants.

Now comes Plaintiff, State Farm Fire & Casualty Company, by and through counsel, and for its Complaint against Defendant, United States of America, and Defendant, Abigail Shupe, states as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff, State Farm Fire & Casualty Company, is an insurance company organized under the laws of the State of Ohio and licensed to do business and issue policies of insurance in the State of Ohio, with its principal place of business and/or nerve center located at One State Farm Plaza, Bloomington, IL 61710. At all times material hereto, State Farm Fire & Casualty Company was authorized to transact its insurance business within the State of Ohio.

2. Defendant, United States of America, employed Rebecca through the United States Department of Agriculture's office/department. At all times material hereto, Rebecca Gordon was acting in the course and scope of his employment for the USDA's office/department.
3. Subject matter jurisdiction is vested in this Court over this claim against the United States for money damages pursuant to 28 § 1346(b)(1).
4. Venue is proper in this court pursuant to 28 U.S.C. § 1402(b) and § 1391(e)(1) because the alleged act or omission giving rise to the claim occurred in Franklin County, Ohio.
5. At the time of the incident which gave rise to this lawsuit, Rebecca Gordon was participating in work related to his role/job in the USDA's office/department. Pursuant to 28 U.S.C. § 2671 and § 2672, the Federal Tort Claim Act covers the incident.
6. Defendant, Abigail Shupe, is a resident of Franklin County, Ohio at 371 Heatherbridge Lane, Apt. 10, Blacklick, Ohio 43004.
7. The Court has supplement jurisdiction over Defendant, Abigail Shupe.

STATEMENT OF FACTS

8. On September 24, 2021, and at all times material herein, Plaintiff, State Farm Fire & Casualty Company, was the insurer, assignee, and subrogee of Mytoria Booth, who was the owner of a 2020 Nissan.
9. On September 24, 2021, on I-71, Columbus, Franklin County, Ohio, Rebecca Gordon was operating a USDA Vehicle.
10. Rebecca Gordon drove the USDA Vehicle on I-71, Columbus, Ohio and was involved in an auto accident with Plaintiff's insured driver, Tyjan Booth, and Defendant, Abigail Shupe, resulting in Plaintiff's insured's 2020 Nissan being struck.
11. As a result of the collision, Plaintiff's insured's 2020 Nissan was damaged.
12. Plaintiff filed a Standard Form 95 with the USDA, Office of the General Counsel for the \$9,801.90 in damages it paid on behalf of Mytoria Booth, which was received by the Federal Tort Agency on or about February 19, 2022.
13. It has been over 6 months since the Standard Form 95 was submitted. Plaintiff brings this action pursuant to 28 U.S.C. § 2401(b) and § 2675.

CAUSE OF ACTION

14. Plaintiff reiterates and realleges paragraphs one through eleven as if fully rewritten herein.
15. On September 24, 2021, on I-71, Columbus, Franklin County, Ohio, Defendant, Abigail Shupe, and Rebecca Gordon, while operating her USDA Vehicle, had a duty to:
 - a. Maintain reasonable control of the USDA Vehicle and/or her vehicle;
 - b. Operate the USDA Vehicle and/or her vehicle at a speed that was safe for the weather conditions;
 - c. Maintain an assured clear distance ahead; and
 - d. Follow applicable traffic laws.
16. Rebecca Gordon and Defendant, Abigail Shupe, failed to maintain reasonable control of their vehicles; operated their vehicles at a speed that was unsafe for the weather conditions; did not maintain an assured clear distance ahead; and failed to follow applicable traffic laws.
17. At the time of the collision, Rebecca Gordon was operating the USDA Vehicle in the course and scope of her employment with the USDA's office/department, and pursuant to 28 U.S.C. § 2672 was an employee of the United States, under circumstances where the United States, if a private person, would be liable to Plaintiff according to the laws of the State of Ohio.
18. As a result of negligence of Rebecca Gordon and Defendant, Abigail Shupe, Plaintiff's insured's 2020 Nissan was damaged in the amount of \$9,801.90.
19. Plaintiff's insured sustained a \$500.00 deductible loss.
20. Plaintiff was required to pay on behalf of its insured the sum of \$9,801.90, subject to the \$500.00 deductible, for the damage to the 2020 Nissan, and became subrogated to said amount.

Wherefore, Plaintiff, State Farm Fire & Casualty Company, demands judgment against Defendants, United States of America and Abigail Shupe, jointly and severally, in the amount of \$9,801.90, plus statutory interest, plus the costs of this action.

Respectfully submitted,

s/ Matthew C. Workman

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